IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Byoung Kwon	Examiner: M. Brannock	
Serial No.:	08/012,269	Group Art Unit: 1646	
Filed:	February 1, 1993	Docket: 740.009US1	
Title:	MURINE 4-1BB GENE (as amended)		

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated June 20, 2000, the Examiner is first requested to consider that in the Office Action dated September 17, 1993 for the above-identified application, the Examiner requested an election from the following groups of claims: the claims in Group I (claims 1-5), directed to a 4-1BB cDNA; the claims in Group II (claims 6-8 and 17-20), directed to a 4-1BB protein, e.g., produced by recombinant means, a 4-1BB fusion protein, and a method of using the fusion protein; the claims in Group III (claims 9-16), directed to a 4-1BB extracellular domain-specific monoclonal antibody, a hybridoma which secretes the antibody, and methods of using the antibody to enhance T cell activation or proliferation; and the claim in Group IV (claim 21), directed to a method of inducing B cell proliferation. Applicant elected, with traverse, the invention of Group I. It is Applicant's position that the Restriction Requirement dated June 20, 2000 is inappropriate as an election was properly made in 1993. However, to provide a complete response to the Restriction Requirement dated June 20, 2000, Applicant elects, with traverse, the claims of Group I (claims 1-3, 22 and 28-30) directed to a DNA encoding murine 4-1BB. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks presented hereinbelow, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are so closely related that they cannot be properly considered independent and distinct within the statutory meaning of 35 U.S.C. § 121. More specifically, claims directed to a DNA encoding murine 4-1BB (claims 1-3, 22 and 28-30; Group I) are clearly related to a method to detect murine 4-1BB nucleic acid in a biological sample (claims 23-27; Group V); claims directed to a 4-1BB protein, e.g., produced by recombinant means, or fragments thereof, a 4-1BB fusion protein, and a method of using the fusion protein to detect cell membrane ligands (claims 6-8 and 17-20; Group